

Reply to Office Action dated January 9, 2004

Application Serial No. 10/082,740

February 17, 2004

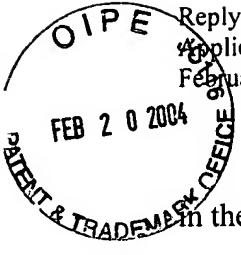
### **Remarks/Arguments**

The present amendment is made in response to the Office Action dated October 3, 2003 and identified as Paper No. 9. Claim 1-30 remain pending in the application.

In the Action, the Examiner objected to the drawings as not including the reference numeral 18 referred to in the specification. Fig. 1 has been amended accordingly.

The Examiner rejected claims 1, 2, 12, and 13 under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,690,466 to Gaddis et al. (“*Gaddis*”). Claims 4, 6, 15, and 17 were rejected under 35 U.S.C. § 103(a) as obvious over either *Hollinrake* or *Gaddis* in view of U.S. Patent No. 4,273,381 to Bibeau et al. (“*Bibeau*”). Claims 5 and 16 were rejected under 35 U.S.C. § 103(a) as obvious over either *Hollinrake* or *Gaddis* in view of U.S. Patent No. 6,200,082 to Molenaar et al. (“*Molenaar*”). Claims 3, 7-11, 14 and 18-30 were rejected under 35 U.S.C. § 103(a) as obvious over *Gaddis* in view of *Hollinrake*.

With regard to the rejection of claims as anticipated by *Gaddis* or rendered obvious in light of *Gaddis* in lieu of other cited art, the device disclosed in *Gaddis* is not a dump truck body. Instead, *Gaddis* discloses a conventional trailer box that includes a conveyor system. As the trailer box of *Gaddis* is not pivotally mounted to the truck frame for movement between a lowered and raised position, it is not subject to the same forces as the dump truck bodies to which the present invention relates. While the prior art discloses conventional truck beds that have conveyors but lack transverse support beams, dump truck bodies that include a conveyor rely on transverse support members for maintaining structural integrity before and during dumping activities. The present invention dispenses with the additional weight occasioned by transverse beams, yet still allows the use of a conveyor in a dump truck body.

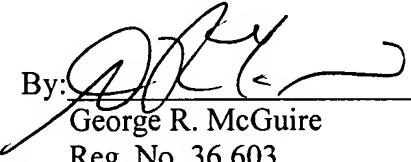


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Although claims 1 and 23 were directed to a dump truck body, as evidenced by the recital in the preamble, the claims have been amended to affirmatively recite that the claimed dump truck body "is adapted for pivotal attachment to a dump truck frame." As independent claims 12 and 27 previously recited structure limiting the claimed invention to pivotally mounted dump truck bodies, all of the claims are now believed to be distinguishable over the prior art.

In view of the foregoing amendments, the Examiner's reconsideration is requested and allowance of the present application is believed to be in order. If the Examiner believes a phone conference with Applicant's attorney would expedite prosecution of this application, she is respectfully requested to contact him at (315) 218-8515.

Respectfully submitted,

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